

Exhibit “K”

**Correspondence from Sergeant Harper to
Trent McCluskey dated November 4, 2008**

November 4th, 2008

Jail Administrator
Trent McCluskey
2001 2nd Ave.
Jasper, AL 35501

Cc: Sheriff John Mark Tirey, Investigator D. Mote

Administrator McCluskey,

This letter is in response to your correspondence regarding an incident that occurred on Sunday, November 2, 2008 between Officer George Chapman and inmate Joseph Decatur. In the aforementioned letter, you directed me to answer three questions:

1. Did Officer Chapman follow the appropriate escalation of force, as is the policy of the Walker County Jail in the force continuum? No, Officer Chapman did not follow the proper escalation of force. The X26 taser had, only seconds before, been deployed on inmate Joseph Decatur. Inmate Joseph Decatur had ceased fighting and was lying on the ground at the time when he was struck in the head by Officer Chapman's blow with Officer Chapman's baton. Our policy is not to use deadly force if non deadly force has effectively resolved a situation and restored security. While it is possible that Officer Chapman may not have purposely struck inmate Decatur on the head, it is an officer's responsibility to maintain control in the use of his or her weapon and utilize the training, instruction, and technique that was provided to the officer in order to carry said weapon.
2. Specifically, was inmate Joseph Decatur resisting or offering a threat to either himself or any other person at the specific time when each level of force was used on inmate Joseph Decatur during the November 2, 2008 incident? At the time that the X26 taser was deployed on inmate Decatur, he was an imminent threat to every officer that responded to the situation. Inmate Decatur and Officer Chapman were in an obvious physical altercation and inmate Decatur had his arms raised in a position that suggested that he may strike at any moment. When the X26 taser was deployed on inmate Decatur, he fell to the ground immediately. In the seconds that followed, inmate Decatur did not appear to attempt to get up. At that time inmate Decatur was struck approximately 4 times by Officer Chapman, the last blow striking inmate Decatur on the head. This occurred so imminently after the taser deployment that inmate Decatur was still attached via probes to the X26 taser. I do not feel that inmate Decatur was an imminent threat at the time he was struck by Officer Chapman.

3. Did Officer Chapman comply with all policies of the Walker County Jail concerning this matter? No. It is the policy of the Walker County Jail that under no circumstances are any cell doors in M dorm to be opened unless two officers are present. Officer Chapman was the only officer in M dorm at the time that Officer Chapman called for inmate Decatur's cell to be opened. This was a clear violation of policy and created a very dangerous situation to every officer on the shift.

Officer Chapman has a history of violating jail policy and aggression towards inmates. One of the many examples of Officer Chapman's repeat violations of policy occurred on October 6, 2008, when Officer Chapman went to CRO to retrieve inmate Roy Dale Madison for a CRO violation. Officer Chapman failed to restrain Madison, which resulted in Madison's escape from custody. Numerous other incidents have been reported involving altercations between inmates and Officer Chapman. Therefore, it is with deep regret that as a Sergeant at the Walker County Jail and the shift supervisor at the time of the incident between Officer Chapman and inmate Decatur, I feel it is my obligation to the protection of this department to recommend to Sheriff Tirey the termination of Officer George Chapman.

Respectfully,

Sgt. Rachel L. Harper
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